

REMARKS

Claims 68 through 84 are pending in this application.
Claims 1 through 34 have been cancelled.

The Office Action provisionally rejects claims 1 through 11 as double patenting over claims 1 through 11 of U.S. Patent Application Serial No. 10/477,041. This provisional rejection is moot as to claims 1 through 11, which have been cancelled. Applicants assert that claims 68 through 84 do not claim the same invention as the pending claims of U.S. Patent Application Serial No. 10/477,041.

The Office Action rejects claims 1-11 under 35 U.S.C. §102(b) as being anticipated by PCT Published Application No. WO 02/083525 to Chomik. This rejection is moot as to claims 1 through 11, which have been cancelled. Claims 68 through 84 have features that are not disclosed or suggested by the Chomik Published Application, such as a retaining assembly that holds stationary a dispensed portion of the storage film in the interior space of the body during a twist-closure operation; and a plunger operably connected to the gear assembly, wherein the plunger lowers the storage film when the actuator is actuated, as recited in claim 68. Claims 69 through 84 depend from claim 68 and, thus, are also not anticipated by the Chomik Application.

The Office Action rejects claims 1-4, 7 and 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,935,692 to Miller. This rejection is moot as to claims 1-4, 7 and 11, which have been cancelled.

Claim 68 has the features of a retaining assembly that holds stationary a dispensed portion of the storage film in the interior space of the body during a twist-closure operation; and a plunger operably connected to the gear assembly, wherein actuation of the actuator causes the gear assembly to rotate the cartridge and twist the storage film, and wherein the plunger lowers the storage film when the actuator is actuated. In contrast, the bagging device of Miller selectively opens and closes the inside of the container by moving closure members 106 and 108 inwardly towards each other or outwardly away from each other, as shown in FIG. 6. Claims 69 through 84 depend from claim 68 and, thus, are also not anticipated by Miller.

The Office Action rejects claims 5 and 6 under 35 U.S.C. §103 as being obvious over Miller in view of U.S. Patent No. 5,027,578 to Natterer. This rejection is moot as to claim 5 and 6, which have been cancelled.

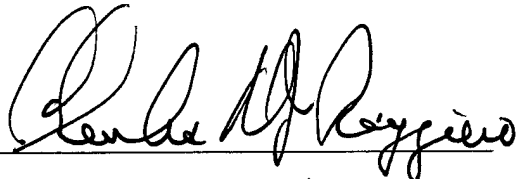
Similar to Miller, Natterer fails to disclose or suggest the features of claim 68 of a retaining assembly that holds stationary a dispensed portion of the storage film in the interior space of the body during a twist-closure operation; and a plunger operably connected to the gear assembly, wherein actuation of the actuator causes the gear assembly to rotate the cartridge and twist the storage film, and wherein the plunger lowers the storage film when the actuator is actuated. In contrast, the Natterer device is a packaging machine that merely hermetically seals bags via a vacuum. Claims 69 through 84 depend from claim 68 and, thus, are also not obvious over Miller in view of Natterer.

It is submitted that pending claims 68 through 84 are

Serial No.: 10/714,381
Art Unit: 3727

allowable. It is respectfully urged that this application be
passed to allowance.

Dated:

September 7, 2005 

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